

IC 34-12-2

Chapter 2. Certain Domestic Relations Actions

IC 34-12-2-1

Causes of action abolished

Sec. 1. (a) The following civil causes of action are abolished:

- (1) Breach of promise to marry.
- (2) Alienation of affections.
- (3) Criminal conversation.
- (4) Seduction of any female person of at least eighteen (18) years of age.

(b) This section does not affect a cause of action described in subsection (a) that accrued before June 10, 1935.

As added by P.L.1-1998, SEC.7.

IC 34-12-2-2

Certain causes of action not to arise within state

Sec. 2. (a) No act done after June 10, 1935, within Indiana operates to give rise, either within or outside Indiana, to any of the causes of action abolished by this chapter.

(b) No contract to marry that is made after June 10, 1935, within Indiana operates to give rise, either within or outside Indiana, to any cause of action for breach of contract or promise to marry.

(c) The intent of this section is to fix the effect, status, and character of acts and contracts described in subsections (a) and (b) and to render them ineffective to support or give rise to any causes of action within or outside Indiana.

As added by P.L.1-1998, SEC.7.

IC 34-12-2-3

Filing or threatening to file abolished cause of action prohibited

Sec. 3. It is unlawful after June 10, 1935, for any person, either as litigant or attorney, to:

- (1) file;
- (2) cause to be filed;
- (3) threaten to file; or
- (4) threaten to cause to be filed;

in any court in Indiana any pleading or paper setting forth or seeking to recover upon any cause of action abolished or barred by this chapter, whether the cause of action arose within or outside Indiana.

As added by P.L.1-1998, SEC.7.

IC 34-12-2-4

Identifying correspondent or participant in divorce, separate maintenance, annulment, or custody action prohibited

Sec. 4. It is unlawful for any person, either as litigant or attorney, to file, cause to be filed, threaten to file, or threaten to cause to be filed in any court of Indiana, any pleading or paper naming or describing in such manner as to identify any person as correspondent or participant in misconduct of the adverse party in any:

- (1) action for:
 - (A) divorce;
 - (B) separate maintenance;
 - (C) annulment of marriage; or
 - (D) custody or care of children; or
- (2) citation or proceeding ancillary or subsequent to an action described in subdivision (1).

As added by P.L.1-1998, SEC.7.

IC 34-12-2-5

Motion to make pleading or paper more specific

Sec. 5. (a) Except as provided in subsection (b), in cases described in section 4 of this chapter, it is sufficient for such pleader to designate any corespondent or third party in general language that is not sufficient for identification. The general language operates with the same legal effect as complete naming and identification of the person.

(b) The adverse party may file a motion to make the pleading or paper more specific by stating the name, identity, or other facts. The granting of the motion, in whole or in part, rests in the sound discretion of the court, and, if ordered granted, the pleader shall amend the pleading or paper to set forth the information specifically required by the order, but no further.

As added by P.L.1-1998, SEC.7.

IC 34-12-2-6

Questioning intended to elicit name of third persons prohibited

Sec. 6. (a) An attorney who appears in a proceeding described in section 4 of this chapter on behalf of a party to the proceeding who is asserting misconduct by the adverse party shall not ask of any witness any question intended or calculated to disclose the name or identity of any third person charged as corespondent or participant in the misconduct.

(b) A party or witness testifying on behalf of a party asserting misconduct by the adverse party shall not name or identify any third person charged as a corespondent or participant in any such misconduct.

(c) If the court in the exercise of a sound discretion so orders, counsel for any party charged with an act of misconduct with a third person may be permitted to cross-examine a witness who has testified to the act of misconduct concerning the identity of the third person. Within limits as the court may prescribe, the witness may answer the questions asked.

(d) In all testimony in proceedings described in section 4 of this chapter, designation of the corespondent or other alleged participant in misconduct by general language not sufficient for identification operates with the same legal effect as complete identification.

(e) The discretion vested in the court by this section shall be exercised in a manner to avoid injustice to litigants, while at the same time avoiding, so far as possible, the public revelation of the

name or identity of the third person. To this end the court may impound pleadings or other documents in the case and hear testimony in chambers.

(f) This section shall not be construed to change the grounds for divorce or impair the substantive rights of parties in cases described in this section. This section shall be construed to regulate pleading, practice, and testimony in cases described in this section so as to eliminate extortion and public scandal.

(g) This section also applies to the taking of testimony by deposition or commission as to proceedings before the court.

(h) Any willful violation of this section by any attorney, party, or witness constitutes a direct contempt of the court having jurisdiction of the proceeding in which the violation occurs, and may be punished by the court with a fine of not more than five hundred dollars (\$500) as the court considers proper. However, if the adverse party intends to file a motion under section 5(b) of this chapter to make any pleading or paper more specific by stating the name, identity, or other fact descriptive of any correspondent or participant in misconduct of the adverse party in any action or proceeding described in section 4 of this chapter, any party who has given notice of the taking of a deposition shall be notified of this intention in writing before the time fixed for taking the deposition, and the notice may be served upon either the party or the party's attorney.

As added by P.L.1-1998, SEC.7.

IC 34-12-2-7

Compromise or settlement of abolished causes of action prohibited

Sec. 7. (a) All contracts and instruments executed after June 10, 1935, within Indiana in payment, satisfaction, settlement, or compromise of any claim or cause of action abolished or barred by this chapter, whether the claim or cause of action arose within or outside Indiana, are declared to be contrary to the public policy of Indiana and void.

(b) It is unlawful to cause, induce, or procure any person to:

- (1) execute a contract or instrument described in subsection (a);
- (2) cause, induce, or procure any person to give, pay, transfer, or deliver any money or thing of value in payment, satisfaction, settlement, or compromise of a claim or cause of action described in subsection (a); or
- (3) receive, take, or accept any money or thing of value in payment, satisfaction, settlement, or compromise of a claim or cause of action described in subsection (a).

(c) It is unlawful to commence or cause to be commenced, either as litigant or attorney, in any court of Indiana, any proceeding or action seeking to enforce or recover upon a contract or instrument described in subsection (a), knowing it to be void, whether the contract or instrument was executed within or outside Indiana.

(d) This section does not apply to:

- (1) the payment, satisfaction, settlement, or compromise of any:
 - (A) causes of action that are not abolished or barred by this

chapter; or
(B) contracts or instruments executed before June 10, 1935;
or
(2) the bona fide holder in due course of any negotiable
instrument executed after June 10, 1935.
As added by P.L.1-1998, SEC.7.

IC 34-12-2-8

Violations

Sec. 8. A person who knowingly violates section 3, 4, 5, or 7 of
this chapter commits a Class D felony.
As added by P.L.1-1998, SEC.7.